



Express Mail No. EV 456 919 625 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Falb *et al.*

Confirmation No.: 2738

Serial No.: 09/970,820

Art Unit: 1636

Filed: October 5, 2001

Examiner: MICHAEL D BURKHART

For: COMPOSITIONS AND  
METHODS FOR THE  
TREATMENT AND  
DIAGNOSIS OF  
CARDIOVASCULAR  
DISEASE

Attorney Docket No: 7853-0248-999  
(709181-999242)

**PETITION TO ACCEPT AN UNINTENTIONALLY  
DELAYED CLAIM FOR PRIORITY UNDER 37 C.F.R. § 1.78**

Mail Stop Petition  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 C.F.R. § 1.78, Applicants respectfully request acceptance of an unintentionally delayed claim for the benefit of a prior-filed application under 35 U.S.C. § 120.

Applicants respectfully submit that the prior benefit claim did not properly identify all of the prior applications and the relationship between each application to have the benefit of the filing date of the first filed application. The above-identified application was filed October 5, 2001, claiming "[t]his is a continuation-in-part of co-pending application serial number 08/386,844, filed February 10, 1995, which is hereby incorporated by reference in its entirety." Applicants proper benefit claim should read as follows: "This is a continuation of Application Serial No. 09/176,330, filed October 22, 1998, now abandoned, which is a divisional of Application Serial No. 08/485,573, filed June 7, 1995, now Pat. No. 5,968,770, which is a continuation-in-part of Application Serial No. 08/386,844, filed on February 10, 1995, now Pat. No. 6,156,500." Applicants learned of this improper

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CAJD: 508002.1